

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

MELANIE DAVIS, <i>Plaintiff,</i> v. AK-SAR-BEN VILLAGE, L.L.C., <i>Defendant</i>	Case No. 8:18-cv-00101-JFB-CRZ
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PLAINTIFF'S INDEX OF EVIDENCE

Plaintiff Melanie Davis identifies the following evidence to support her Sur Reply in Opposition to Defendant's Motion to Dismiss.

1. Declaration of Melanie Davis dated July 23, 2018.

Respectfully submitted,

DATED: August 14, 2018

/s/ Pdraigin L. Browne
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

MELANIE DAVIS,

Plaintiff,

v.

Case No. 8:18-cv-00101-JFB-CRZ

AK-SAR-BEN VILLAGE, L.L.C.,

Defendant.

DECLARATION OF MELANIE DAVIS

1. My name is Melanie Davis. I am the Plaintiff in the above-captioned action. I am over 21 years old and am competent to provide the following testimony. Except as otherwise stated, the following testimony is based on my personal knowledge.
2. I submit this declaration in response to Defendant's newly-raised suggestion that I do not have an intent to return to its premises.
3. I visit Defendant's premises on an average of once every two-to-three weeks to visit Green Spot, which is one of Defendant's tenant businesses.
4. Green Spot is among my favorite pet stores in Omaha. I visit Green Spot with my service dog, "Chief." Green Spot is one of the closest, if not the closest, pet stores to where I live. I know a staff member at Green Spot.
5. I have been back to Green Spot multiple times since Defendant filed its motion to dismiss.
6. My most recent visit to Green Spot was July 20, 2018.

7. I have also visited Bed Beth & Beyond, and Qdoba, and am interested in visiting the Pop Record Exchange—which are all Defendant’s tenant businesses.

8. I plan to continue visiting Green Spot, Bed Beth & Beyond, and Qdoba, and thus Defendant’s premises, for the foreseeable future.

This declaration is submitted pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2018.



Melanie Davis